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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,605	11/10/2000	Kelly Robert McCaw	PALM-3302.US.P	5071
49637	7590	09/23/2005	EXAMINER	
BERRY & ASSOCIATES P.C. 9255 SUNSET BOULEVARD SUITE 810 LOS ANGELES, CA 90069			LE, MIRANDA	
			ART UNIT	PAPER NUMBER
			2167	

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/710,605

Applicant(s)

MCCAW, KELLY ROBERT

Examiner

Miranda Le

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-11,15-21 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-11,15-21 and 25-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to Amendment filed 07/05/2005.
2. Claims 1, 5-11, 15-21, 25-30 are pending in this application. Claims 1, 11, 21 are independent claims. In the Amendment, claims 1, 11, 21 have been amended. This action is made Final.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5-8, 11, 15-18, 21, 25-28, are rejected under 35 U.S.C. 103(a) as being unpatentable over Boothby et al. (US Patent No. 6,044,381), in view of Kodama et al. (US Patent No. 6,374,262 B1), and in view of King et al. (US Patent No. 6,694,337 B1), and further in view of Boothby et al. (US Patent No. 6,532,480 B1).

As to claims 1, 11, 21, Boothby ('381) teaches:

“a) designating a first database as a source database and a second database as a target database” at col. 2, line 33 to col. 3, line 58;

“c) provided that said first modification flag is set, propagating said first data record in said source database to said first data record in said target database” at col. 4, line 59 to col. 5, line 41, col. 2, lines 56-65, col. 12, lines 49-65;

Although Boothby ('381) teaches step “b) determining a state of a first modification flag contained in a first data record in said source database, wherein said

Art Unit: 2167

first modification flag indicates that said first data record in said source database has been modified” at col. 4, line 59 to col. 5, line 41, col. 2, line 23 to col. 3, line 3; Boothby (‘381) does not specifically teach “wherein a value of said first modification flag, indicative of a particular event, is set upon an occurrence of said particular event”. Kodama teaches this limitation at col. 6, lines 38-66.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references because Kodama’s teachings would have allowed Boothby (‘381)’s to successfully collect and distribute the current latest and correct data when update contention has occurred in the replication among servers.

Boothby (‘381), Kodama do not expressly teach “d) provided that said first modification flag is not set comparing a first modification count contained in said first data record in said source database with a second modification count contained in said first data record in said target database, said first and second modification counts each being a value indicating how many times said first data record in said source database and said first data record in said target database has been modified respectively”. However, King teaches this limitation at col. 2, lines 1-47, col. 3, lines 11-24.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references because King’s teachings would have allowed Boothby (‘381)’s to accurately and easily keep track of which records were changed, added or deleted and ensure that changes are made to a source databases are propagated to its target databases and vice versa.

Boothby (‘381), Kodama do not specifically teach “e) provided that said first modification count has a higher value than said second modification count, propagating

Art Unit: 2167

said first data record in said source database to said first data record in said target database, wherein said steps a) through e) can be completed without comparing raw data of said first data record and said corresponding data record”. However, King teaches this limitation at col. 3, lines 11-41.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references because King’s teachings would have allowed Boothby (‘381)’s to accurately and easily keep track of which records were changed, added or deleted and ensure that changes are made to a source databases are propagated to its target databases and vice versa.

Boothby (‘381), Kodama do not specifically teach “f) incrementing said second modification count to said higher value of said first modification count”. However, King teaches this limitation at col. 2, lines 1-47.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references because King’s teachings would have allowed Boothby (‘381)’s to accurately and easily keep track of which records were changed, added or deleted and ensure that changes are made to a source databases are propagated to its target databases and vice versa.

As to step g), Boothby (‘381) teaches steps a) through b); Boothby (‘381) and Kodama teach steps c); King teaches steps d) through f) as described herein above, and steps a) through f) are repeated until all of said data records in said source database have been processed.

Boothby ('381), Kodama, King do not specifically teach "h) re-designating said second database as said source database and said first database as said target database". However, Boothby ('480) teaches this limitation at col. 5, lines 31-63.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references because Boothby ('480)'s teachings would have allowed Boothby ('381)'s to efficiently speed up the synchronization process by focusing only on those records which have been affected since the last synchronization.

Step i) is rejected under same rationale given above to step g), that is, Boothby ('381) teaches steps a) through b); Boothby ('381) and Kodama teach steps c); King teaches steps d) through g) as described herein above, and steps a) through g) are performed until all of said data records in said source database have been processed.

As to claims 5, 15, 25, Boothby ('381) teaches "step c) comprises the steps of: clearing said first modification flag" at col. 15, lines 23-34, col. 11, lines 8-19.

As to claims 6, 16, 26, Boothby ('381) teaches "step c) comprises the steps of: creating a new data record in said target database according to said first data record in said source database, provided that said first modification flag is set to indicate that said first data record is new in said source database and that said first data record does not exist in said target database" at col. 15, lines 23-34, col. 11, lines 21-38;

"clearing said first modification flag" at col. 15, lines 23-34, col. 11, lines 8-19.

As to claims 7, 17, 27, Boothby ('381) teaches "step c) comprises the step of marking said corresponding data record as deleted in said target database, provided that

Art Unit: 2167

said first modification flag is set to indicate that said first data record has been deleted from said source database and that said corresponding data record exists and is not already marked as deleted in said target database” at col. 8, lines 9-24, col. 12, lines 49-65.

As to claims 8, 18, 28, Boothby (‘381) teaches “first database and said second database reside in different host systems” at col. 2, line 33 to col. 3, line 58, Abstract.

5. Claims 9, 10, 19, 20, 29, 30, are rejected under 35 U.S.C. 103(a) as being unpatentable over Boothby et al. (US Patent No. 6,044,381), in view of Kodama et al. (US Patent No. 6,374,262 B1), in view of King et al. (US Patent No. 6,694,337 B1), in view of Boothby et al. (US Patent No. 6,532,480 B1), and further in view of Taivalsaari et al. (US Patent No. 6,366,898).

As to claims 9, 19, 29, Boothby (‘381), Kodama, King, Boothby (‘480) do not explicitly teach “first database resides in a personal digital assistant (PDA)”. However, Taivalsaari teaches this limitation at col. 2, lines 14-29.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references because Taivalsaari’s teachings would have allowed Boothby (‘381)’s to create and periodically load a database of classfile on a non-traditional computer device, such as a PDA.

As to claims 10, 20, 30, Boothby (‘381), Kodama, King, Boothby (‘480) do not specifically teach “second database resides in a computer system to which a personal

Art Unit: 2167

digital assistant (PDA) can be coupled via a cradle device”. However, Taivalsaari teaches this limitation at col. 6, lines 30-53.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references because Taivalsaari’s teachings would have allowed Boothby (‘381)’s to create and periodically load a database of classfile on a non traditional computer device, such as a PDA.

Allowable Subject Matter

6. Claims 7, 17, 27 are objected to as being dependent upon a rejected base claims 1, 11, 21, respectively, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments filed 07/05/05 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the instant application is related to a method that enables faster data synchronization between different databases.

Art Unit: 2167

Similarly, Boothby '381) is related to a method for synchronizing databases (Abstract). Kodama is related to a relational database synchronization method for synchronizing master data with data of replica machines (Abstract). King is related to a method for synchronizing databases (Abstract).

It is thus clearly shown that the cited references disclose the same field as synchronizing databases, which are in the field of applicant's endeavor, consequently; the combination, as detailed in the previous office action, would have enhanced the performance of the Boothby ('381)' system by (a) successfully collect and distribute the current latest and correct data when update contention has occurred in the replication among servers (Kodama); (b) accurately and easily keep track of which records were changed, added or deleted and ensure that changes are made to a source databases are propagated to its target databases and vice versa (King); (c) efficiently speed up the synchronization process by focusing only on those records which have been affected since the last synchronization (Boothby '480).

Furthermore, in response to applicants' argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In this particular case, the reconstruction is proper.

Art Unit: 2167

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (571) 272-4112. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

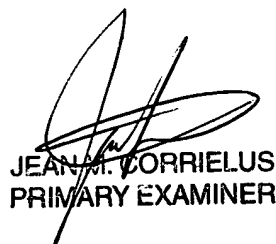
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene, can be reached on (571) 272-4107. The fax number to this Art Unit is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Miranda Le
September 14, 2005



JEAN M. CORRIELUS
PRIMARY EXAMINER